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HOUSTON
ATLANTA
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February 29, 2016

Magistrate Kathleen Tomlinson
Eastern District New York
100 Federal Plaza
Central Islip, NY 11722

Re: C.A. No. CV15-6103 (DRH) (AKT); *William Guerrero v. GC Services Limited Partnership*; in the U.S. District Court for the Eastern District Court

Your Honor:

Please allow me to respond briefly to Plaintiff's counsel's letter regarding Defendant's request to attend the initial conference on March 9, 2016 by telephone.

As the Court may readily observe, Plaintiff's counsel's letter does not address Defendant's good faith request to appear by telephone at the initial conference to defray the costs of this litigation it also inaccurately states the parties' joint efforts to complete the report required by Rule 26(f).

While it is correct that Plaintiff has suggested the potential for a class action, such an assertion, while commonplace in FDCPA cases, rarely comes to fruition. Regardless, Plaintiff does not suggest the potential for a motion to certify a class is, or how it could be, a reason to require Defendant's counsel to travel to New York for a scheduling conference.

In fact, Defendant has served Plaintiff with Defendant's initial disclosures as well as a red-line version of Defendant's proposed discovery plan and scheduling order in response to a proposal I recently received from Plaintiff's counsel. We have also asked Plaintiff's counsel to schedule a Rule 26(f) conference this week, all of which will, with continued cooperation from Plaintiff's counsel, allow us to file the plan and proposed scheduling order in accordance with the deadline previously prescribed by the Court.

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While Plaintiff has not explained his opposition to, or potential prejudice by, the specific request I have made, and since allowing me to appear by telephone will reduce what would seem to be otherwise unnecessary cost to the Defendant in a case that, in the absence of a motion *and* decision by the District Judge to certify a class will be over \$1000.00, I would again respectfully request the Court grant me permission to appear by phone for the March 9, 2016 Initial Status Conference.

Thank you for your consideration of this Request.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Helfand', with a long horizontal stroke extending to the right.

William S. Helfand

WSH:lg

cc: Craig Sanders
Barshay Sanders, PLLC

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